

REMARKS

With this Amendment, Applicant cancels Claims 18-20 and amends Claim 21. Therefore, Claims 13-17, 21, and 22 are all the claims currently pending in the present application.

Claims 13-17

Claim 13 stands rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Shobu et al., U.S. Patent No. 5,692,130 (“Shobu”). Claim 14 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Shobu, in view of Yoshida, U.S. Patent No. 5,594,867 (“Yoshida”). Claim 15 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Shobu, in view of Corrigan et al., U.S. Patent No. 5,966,636 (“Corrigan”). Claim 16 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Shobu, in view of Gregory, U.S. Patent No. 5,909,673 (“Gregory”). Claim 17 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Shobu, in view of Takashima, EP 355777 (“Takashima”).

Regarding claims 13 and 17, Shobu describes that a call set-up message SETUP, including two-channel mode notification is sent to the called terminal. The called terminal then determines whether or not both B channels are available. If both B channels are available, the called terminal transmits an answer message CONN to the calling terminal and the calling terminal sends a second call set-up message SETUP to the called terminal. The called terminal then transmits a second answer message CONN and the calling terminal transmits the data using the two B channels. If the called terminal determines that both B channels are not available, it determines whether one channel is available, and when one channel is available, it transmits an

answer message CON, including a refusal of the two-channel mode. The calling terminal then transmits the data using a single terminal. (Col. 5 and 6).

Figure 5 of Shobu illustrates that if, after transmitting the call set-up message SETUP to the called terminal for the second time, the calling terminal does not receive a second answer message CONN, the call is disconnected.

The Examiner argues that these disclosures of Shobu anticipate the limitations of claim 13. However, it appears that Shobu fails to teach or suggest “not transmitting the large volume of data to said client terminal upon reception of a notification of data transmission non-allowance from said client terminal,” as recited in claims 13 and 17. As discussed above, if the called terminal of Shobu determines that both B channels are available, first and second CONN messages are sent in response to first and second SETUP messages and the calling terminal transmits the information via two channels. If the called terminal determines that both B channels are not available, a CONN message indicating refusal of the two-channel mode is transmitted and the calling terminal transmits the information via a single channel. Therefore, the CONN message indicating refusal of the two-channel mode fails to anticipate a notification of data transmission non-allowance resulting in not transmitting the data, as recited in Claim 13, because Shobu clearly describes that the result of the CONN message indicating refusal of the two-channel mode is the transmission of the data via a single channel. Further, Shobu describes that the only time the call is disconnected is after the transmission via two channels or via a single channel or when a second CONN message is not received. However, the non-receipt of a

CONN message fails to anticipate “reception of a notification of data transmission non-allowance,” as claimed.

Further, regarding claim 17, Applicant notes that the cited references fail to teach or suggest “announcing means for announcing the data transmission time to a user, upon reception of the data transmission time,” as recited. The Examiner acknowledges that Shobu fails to teach or suggest this limitation, and therefore relies on Takashima. (Office Action, p. 6). Takashima is generally directed to a communication apparatus capable of identifying a calling party and informing a user of the identification of the calling party when the user was absent during the call by the calling party. (Col. 2, lns. 28-32). According to a third embodiment of Takashima, if automatic reception of a call by a facsimile machine is not permitted at the time of the call, a notice to that effect is displayed on the facsimile machine and the number of the calling party is stored in memory. The facsimile machine may then display the calling number to the user so that the user can return the call to the calling party to ask for retransmission. (Col. 10, ln. 37 to col. 11, ln. 41). The Examiner refers to these descriptions in Takashima as teaching the above-noted limitation of the present invention. (Office Action, p. 6). However, there is not teaching or suggestion in Takashima of receiving a data transmission time or of announcing a transmission time, or any time, to a user, as claimed.

In view of the above, Applicant submits that Claims 13 and 17 are patentable over the cited combination of references and that Claims 14-16 are patentable at least by virtue of their dependence on Claim 13. Therefore, Applicant respectfully requests that the rejection of Claims 13-17 be reconsidered and withdrawn.

Claim 21

Claim 21 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Shobu, in view of Gregory and Griefer, U.S. Patent No. 5,615,213 (“Griefer”).

With this Amendment, Applicant amends Claim 21 into independent form, including all of the limitations of Claim 18 from which it previously depended.

Regarding claim 21, Applicant submits that the cited combination of references fails to teach or suggest “if two or more B channels are available, conducting calling from the client terminal to the server for downloading the large volumes of data, [instead of transmitting a notification of data transmission allowance from the client terminal to the server],” as recited. The Examiner acknowledges that Shobu fails to teach or suggest this limitation, and relies on Gregory. (Office Action, p. 6). Gregory is directed to a method and system for creating site specific coupons (financial instruments). (Abstract). Gregory describes a system comprising a server and remote processing stations attached to laser printers via modem. Parameters for printing payroll checks may be downloaded to the remote processing stations. (Col. 6, lns. 23-40). The Examiner asserts that this portion of Gregory teaches the above-noted claim limitation. (Office Action, p. 6). However, there is no teaching or suggestion in this or any other portion of Gregory of conducting calling from a client terminal to a server for downloading a large volume of data if two or more B channels are available, as recited in claim 21. Further, Applicant asserts that one of skill in the art would not have been motivated to look to a reference directed to the creation of site specific financial instruments to modify the communication method for data terminal equipment according to Shobu. Regarding the motivation to combine, the Examiner asserts that “one of ordinary skill in the art would have added this form of downloading [of

Gregory] to ensure that the client receives the proper elements from the server,” and refers to col. 3, Ins. 59-63 of Gregory. However this portion of Gregory describes an object of the invention where a location instruction file is provided on a server for each remote location “allowing a remote processing station at a remote location to download proper elements from the centralized server. This object is unrelated to the above-referenced portion of Gregory (col. 6, Ins. 23-40), which the Examiner asserts teaches the limitation of claim 21 and is also unrelated to the claimed limitation of conducting calling from the client terminal to the server for downloading the large volumes of data, if two or more B channels are available, and is also unrelated to the communication method for data terminal equipment according to Shobu.

Therefore, Applicant submits that Claim 21 is patentable over the cited combination of references and respectfully requests that the rejection of Claim 21 be reconsidered and withdrawn.

Claim 22

Claim 22 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Shobu, in view of Takashima.

Regarding Claim 22, Applicant submits that Claim 22 is patentable for at least the same reasons as discussed above with respect to Claim 17. The cited combination of references fails to teach or suggest at least: “upon reception of the data transmission time from the server, announcing the data transmission time to a user at the client terminal,” as recited.

Therefore, Applicant respectfully requests that the rejection of Claim 22 be reconsidered and withdrawn.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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